

F. #2018R01745

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FILED UNDER SEAL

UNITED STATES OF AMERICA

- against -

ANDRE WILBURN,

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

(18 U.S.C. §§ 2251(a) and 2252(a)(2))

Case No. 18-MJ-837

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EASTERN DISTRICT OF NEW YORK, SS:

JOSHUA CROFT, being duly sworn, deposes and says that he is a Special Agent with United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

On or about November 6, 2016, within the Southern District of New York, the defendant ANDRE WILBURN did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce and which were in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign

commerce by any means, including by computer, and such visual depictions were actually transported and transmitted using any means and facility of interstate and foreign commerce and which were in and affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 2251(a)).

In or about November 6, 2016 through July 25, 2018, within the Southern District of New York, the defendant ANDRE WILBURN did knowingly receive and distribute any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations ("HSI") and have been so employed since 2016. I am currently assigned to the Child Exploitation Investigations Unit. During my tenure with HSI, I have participated in investigations targeting individuals involved in the receipt, distribution and possession of child pornography and have conducted physical and electronic

¹ Because this affidavit is submitted only to illustrate that probable cause exists to believe that the defendant committed certain crimes, all the facts known to me as a result of my investigation have not been included.

surveillance, executed search warrants, reviewed and analyzed electronic devices, and interviewed witnesses. I have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor.

2. I have personally participated in the investigation of the offenses discussed below. I am familiar with the facts and circumstances of this investigation from: my personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. On or about July 13, 2018, during the course of an unrelated fraud investigation, an agent from Amtrak Office of Inspector General's Office of Investigations ("Amtrak OIG") obtained a warrant to search information associated with the email account of the defendant ANDRE WILBURN, dre@linkrange.com, that is stored at premises controlled by Google (the "Google Warrant") for fruits, evidence and instrumentalities of access device fraud and money laundering, in violation of Title 18, United States Code, Sections 1029 and 1956(a)(1)(B)(i). An agent from Amtrak OIG served Google with the Google Warrant on or about July 13, 2018, and received a response from Google on or about July 25, 2018 (the "Google Response")

4. On or about July 31, 2018, a member of the General Digital Investigation Unit of Amtrak OIG was conducting a forensic search of the Google Response, as authorized by the Google Warrant. During the search, a digital image of a juvenile female

leaning back and exposing her vagina to the camera was discovered. A second digital image was discovered depicting a different juvenile female laying on a blanket with her dress pulled up above her waist with her legs spread apart, exposing her underwear. After discovering these two images, the forensic search of the Google Response was suspended.

5. On or about August 14, 2018, an agent of Amtrak OIG obtained a warrant to search the Google Response for evidence, instrumentalities, contraband and fruits of possession and receipt of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. Upon resuming the forensic search of the Google Response, agents from the Child Exploitation Investigations Unit of HSI and I identified approximately 45 images of child pornography (the “CP Images”) on the Google Drive belonging to dre@linkrange.com (the “Dre Google Drive”). Google Drive is a file storage and synchronization service developed by Google. It allows users to store files on their servers, synchronize files across devices, and share files. Based on my review of the metadata pertaining to the CP Images, I believe that the CP Images have been stored on the Dre Google Drive since approximately November 2016 through July 25, 2018, which is the date when Google Response was received.

6. Some of the CP Images appear to be screenshots of online video chats showing unidentified underage girls inserting hairbrushes into their vaginas.

7. Approximately 15 of the CP Images show a man’s penis orally penetrating an unidentified female toddler, who appears to be approximately two years old. Three of those CP images are described as follows.

- a. 20180113_202409.jpg shows a toddler, approximately two years old, seated on a bed with an erect adult male penis inserted in the child's mouth.
- b. 20161106_174547.jpg shows a toddler, approximately two years old, standing against a wall while an adult male holds his erect penis in front of the child's face.
- c. 20161106_174556.jpg shows a toddler, approximately two years old, standing against a wall with an erect adult male's penis inserted in the child's mouth.

8. I believe that the male in the images described in paragraph 7 is the defendant ANDRE WILBURN based on the following:

- a. The metadata, specifically the EXIF data, pertaining to the CP Images involving the toddler indicate that they were all taken with a Samsung Galaxy SM-G935F cell phone. I know that WILBURN uses a Samsung Galaxy cell phone based on other images I viewed on the Dre Google Drive which show Wilburn holding a Samsung Galaxy cell phone. On September 6, 2018, law enforcement authorities entered WILBURN's residence in New York, New York, pursuant to a warrant to search the premises, and recovered an empty cell phone box for a Samsung Galaxy SM-G935F inside WILBURN's bedroom.
- b. I compared the background visible in the CP Images involving the toddler to the physical appearance of WILBURN's residence and I

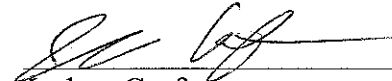
believe that the CP Images involving the toddler were all taken inside WILBURN's bedroom. I also specifically observed a bedspread on WILBURN's bed that matches the bedspread visible in many of the CP Images involving the toddler. Law enforcement authorities also recovered a space-heater from a closet inside WILBURN's residence which is visible in many of the CP Images involving the toddler.

- c. Based on a forensic review of the Google Response for evidence of user attribution, which includes email messages, text messages, images, videos, references to social media accounts and other content of the Dre Google Drive, I believe that the Dre Google Drive is exclusively used by WILBURN.


9. I request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the internet. Therefore, premature

disclosure of the contents of this affidavit and related documents could seriously jeopardize the investigation by giving the defendant an opportunity to flee from prosecution.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant ANDRE WILBURN so that he may be dealt with according to law.


Joshua Croft
Special Agent
United States Department of Homeland Security,
Homeland Security Investigations

Sworn to me this
7th day of September, 2018


THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

